

Docket No.: 42390P12040D

REMARKS

35 U.S.C. §121 Election/Restrictions

The Patent Office has issued a restriction under 35 U.S.C. § 121 to one of the following inventions:

- I. Claims 21-37, drawn to a method of making a semiconductor device, classified in class 438, subclass 667;
- II. Claims 46-49, drawn to a semiconductor apparatus, classified in class 29, subclass 25.01.

The Applicant hereby traverses the restriction. It appears that the Examiner is mistaken with the characterization of Group II, claims 46-49. The article of manufacture of claims 46-49 is "*a machine-accessible medium including data that, when accessed by a semiconductor fabrication factory, cause the semiconductor fabrication factory to perform the method of claim 21*". The Examiner has not provided any explanation why or how the Claims in Group II can be used to practice another process different than the method claims of Group I when in fact the independent claim of those method claims of Group I are incorporated into the claims of Group II. In other words, the Examiner has not shown that a group of method claims should be classified, searched, and examined separately from a group of claims on the software that implements the process of the method claims. It is therefore believed that the restriction requirement be withdrawn.

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Conclusion

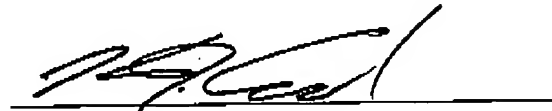
In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is invited to call the undersigned attorney, Kenneth J. Cool, at (720) 227-9445 if there remains any issue with allowance.

Respectfully submitted,
INTEL CORPORATION

Date: 8-13-04



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